

Washington Horse Racing Commission
Policy Statement 2007-02

Phenylbutazone Penalties

WAC 260-84-120(2) outlines the penalties when the laboratory analysis of serum or blood taken from a horse shows the presence of phenylbutazone in excess of the quantity authorized in WAC 260-70-640. The purpose of this policy statement is to establish the commission's policy on the penalties for subsequent violations of WAC 260-70-640.

If a prior offense for using phenylbutazone in excess of authorized quantities occurred within 365 days of the current offense, the prior offense will be counted for the purpose of applying the penalty table established in WAC 260-84-120(2). Such a prior offense will count regardless whether the violation occurred in Washington or another recognized racing jurisdiction, and regardless the prior concentration level.

The concentration level column in the penalty table in WAC 260-84-120(2) is only intended to apply to the current offense. Prior offenses will determine whether the penalty is specified in the "1st offense", "2nd offense", or "3rd and subsequent offense" columns.

For example, if the current violation is for a concentration of 7.0 mcg/ml, and the licensee has a prior offense from six months earlier in which the concentration level was 6.0 mcg/ml, the current violation is considered a 2nd offense within 365 days, and the penalty will be a fine not to exceed \$500.

Adopted by the Washington Horse Racing Commission
March 8, 2007